

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-8380



Information on the Scattering of Cremated Human Remains in State Parks

The purpose of this information packet is to help you properly request permission to scatter cremated human remains within a state park.

Permission to scatter cremated human remains within a state park is provided as a service to individuals. If the scattering is to be done by a mortuary or other commercial enterprise, the conditions and restrictions of California Code of Regulations Section 4331 apply. Mortuaries and other businesses providing this service must request and receive a separate authorization or agreement from the Department.

Policy

The California Department of Parks and Recreation allows individuals to scatter cremated human remains, **where appropriate**, in units of the State Park System. There are numerous and multi-faceted conditions under which the scattering of cremated human remains would not be appropriate. These include locations that are archeological sites, Native American burial sites, and locations where incompatible activities occur or may be planned in the future. (These restrictions do not apply to the reburial of Native Americans pursuant to Section 5097.94 of the Public Resources Code.) By policy, the appropriateness of scattering cremated human remains within state park units is determined by the District/Sector Superintendent.

Legal Restrictions

Present California law requires that scattered human remains not be distinguishable to the public, and are not in a container. If there are particles in the ash that can be recognized as bone, etc., they will have to be collected and removed from the park by the person doing the scattering. In addition, Health and Safety Code Section 7117(c) expressly forbids the scattering of cremated human remains from a bridge or pier, in a lake or stream, or within 500 yards seaward of the ocean shoreline.

Written Permission is Required

Health and Safety Code Section 7116 requires that anyone scattering cremated human remains obtain the written permission of the property owner or controlling government agency. Health and Safety Code Section 7116 will be strictly enforced, and violators may be cited under Health and Safety CODE Section 7054(a). Anyone found guilty of violating this section is subject to a fine of \$500, and/or six months in jail.

Department Obligations

The Department makes no promise or commitment to treat the area where the scattering occurs as sacred, or as a burial ground. The scattering of cremated human remains will not affect the classification of any unit or portions thereof. All park uses, operations, and programs will be continued without regard to the presence of the scattered cremated human remains. The Department may record the total number of scatterings within a given area, etc. However, the Department will not keep records of who was scattered at a particular location, or the date on which a scattering occurred. If you or members of your family would like to visit the site at a later date, you will have to make and retain your own records.

Suggestions for Obtaining Permission

You will need to write to the District/Sector Superintendent of the park where you wish to scatter the cremated remains. If you do not know the District/Sector address, you may send your request to:

Public Information Office
California Department of Parks and Recreation
P. O. Box 942896
Sacramento, CA 94296
(916) 653-6995

In your letter, you should indicate that you are the legal custodian of the remains, that you understand the restrictions listed in this information packet, and the location where you wish to scatter. If you have a specific location in mind, it is suggested that you include one or two alternative locations. If you do not have a specific location in mind, please indicate that you will scatter the remains at a location determined by the District/Sector Superintendent. Please also indicate the date and time you plan to arrive, and the number of individuals expected to attend. Standard park use fees will apply at the time you enter the park.

Finally, your letter should indicate the name of the person who you expect to do the actual scattering. That person must have a copy of the permission letter with him/her at the time the event occurs.

For more information on cremation matters, contact the California State Department of Consumer Affairs at (800) 952-5210.